REMARKS

A.   Claim Objections

The Examiner objects to the use of the words "operable to" in claims 2, 6. Applicants traverse these objections and respectfully disagree. Contrary to the Examiner's statement that these words make optional the steps in the claims, these words, when interpreted in light of the specification, indicate that the claimed "network device" operates to carry out the functions in claims 2 and 6.

The Examiner has also objected to claims 4, 5, 12, 13, 20 and 21, and has asked the Applicants to correct some informalities. The Applicants have done so. It is respectfully submitted that these objections are now moot.

B.   The Section 102 Rejections

(i) Claims 1-24

Claims 1-24 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent Application No. 2003/0147346 to Kanakubo ("Kanakubo"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

(a) claims 1-4, 9-12 and 17-20

Each of these claims includes the feature of detecting a failure along an ingress region of a primary path. Kanakubo does not disclose such a feature. Contrary to the Examiner's position (see page 3 of Office Action), paragraphs 25-30 and Figure 1 of Kanakubo does not appear to disclose a failure along an ingress section of a primary path, much less the detection of such a failure. Rather, the "fault occurrence a1" in Kanakubo appears to occur outside of the ingress portion between routers LSR-P and LSR and does not involve router LSR.

Accordingly, Applicants respectfully submit that Kanakubo cannot anticipate claims 1-4, 9-12 and 17-20 under §102(e), and, therefore, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-4, 9-12 and 17-20.

(b) claims 5-8, 13-16 and 21-24

Each of these claims includes the feature of re-routing traffic from a primary path associated with an original IP address to an alternate path using a forwarding table that includes IP and MPLS routing information, where the re-routing maintains the original address, and the alternate path comprising devices which <u>maintain the same quality of service</u> as the primary path.

Contrary to the Examiner's position (see page 5 of the Office Action), Kanakubo does not appear to disclose such an alternate path. Nowhere in the excerpts relied on by the Examiner is there mention of a quality of service (QoS) with respect to an alternative path, nor is maintenance of the same QoS implied by a "predefined static LSP" as the Examiner so alleges.

Accordingly, Applicants respectfully submit that Kanakubo cannot anticipate claims 5-8, 13-16 and 21-24 under §102(e), and, therefore, Applicants respectfully request withdrawal of the rejections and allowance of claims 5-8, 13-16 and 21-24.

(ii) Claims 1, 5, 9, 13, 17 and 21

Claims 1, 5, 9, 13, 17 and 21 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 7,167,443 to Dantu ("Dantu"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

(a) claims 1, 9 and 17

Each of these claims includes the feature of detecting a failure along an ingress region of a primary path. Dantu does not disclose such a feature. Contrary to the Examiner's position (see

page 6 of Office Action), the excerpts from Dantu do not appear to disclose a failure along an ingress section of a primary path.

For example, Figure 3's "working path 332" is not described as being a part of an ingress region of a primary path. Further, the "adjacent" communication links referred to in Figure 9 of Dantu are also not described as being a part of an ingress portion of a primary path.

Accordingly, Applicants respectfully submit that Dantu cannot anticipate claims 1, 9 and 17 under §102(e), and, therefore, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 9 and 17.

(b) claims 5, 13 and 21

Each of these claims includes the feature of re-routing traffic from a primary path associated with an original IP address to an alternate path using a forwarding table that includes IP and MPLS routing information, where the rerouting maintains the original address, and the alternate path comprising devices which <u>maintain the same quality of service</u> as the primary path.

Contrary to the Examiner's position (see page 8 of the Office Action), Dantu does not appear to disclose such an alternate path. Though Dantu discusses quality-of-service (QoS), it does so as a way of prioritizing traffic. That is, Dantu appears to select which path, among a number of paths, should be re-routed first, second, third, etc., based on QoS levels. There does not appear to be any discussion within Dantu that, upon selection of a path to re-route, re-routing occurs over a path (called "protection" path in Dantu) that has the same QoS as a primary path.

Accordingly, Applicants respectfully submit that Dantu cannot anticipate claims 5, 13 and 21 under §102(e), and, therefore, Applicants respectfully request withdrawal of the rejections and allowance of claims 5, 13 and 21.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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ATTACHMENT FOR SPECIFICATION AMENDMENTS
REPLACEMENT TITLE
MARKED-UP VERSION

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METHODS AND DEVICES FOR RE-ROUTING MPLS TRAFFIC